

**City of Miami Beach - Special City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
September 28, 2004**

Mayor David Dermer  
Vice-Mayor Richard L. Steinberg  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr. Absent  
Commissioner Saul Gross  
Commissioner Jose Smith

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

- |     |  |
|-----|--|
| C7A | Adopt/Appropriate Funds, Police Special Revenue Account Budget for FY 2004/05.               |
| C7B | Adopt/Appropriate Funds, Police Confiscation Trust Fund Budget for FY 2004/05.               |
| C7C | Adopt/Appropriate Funds, Police Training Trust Fund Budget for FY 2004/05.                   |
| C7D | Waive Bidding/Issue Purchase Order, Electronic Ticketing Systems for Police Dept. <b>5/7</b> |
| C7E | Waive Bidding/Appropriate Funds, Purchase Fire Alert System from Motorola. <b>5/7</b>        |

## REGULAR AGENDA

- |      |   |
|------|---|
| R7A1 | <b>5:01 p.m. 2<sup>nd</sup> Rdg,</b> Adopt Final Ad Valorem Millage & Debt Service Millage for FY 2004/05.      |
| R7A2 | <b>5:01 p.m. 2<sup>nd</sup> Rdg,</b> Adopt Final Operating Budgets for FY 2004/05.                              |
| R7B1 | <b>5:02 p.m. 2<sup>nd</sup> Rdg,</b> Adopt Final Ad Valorem Millage, Normandy Shore Local Govt. for FY 2004/05. |
| R7B2 | <b>5:02 p.m. 2<sup>nd</sup> Rdg,</b> Adopt Final Operating Budget, Normandy Shores Local Govt. for FY 2004/05.  |
| R7C  | Establish Fund, Funding for City Capital Renewal/Replacement Projects.  |
| R7D  | <b>Joint,</b> Adopt City/RDA Capital Budget FY 2004/05 & Capital Improv. Plan FY 2005-09.                       |
| R7E  | Adopt FY 2004/05 Budgets for Special Revenue Funds for Various Programs.  |
| R7F  | Approve FY 2004/05 Budget for the Cultural Arts Council.  |
| R7G  | Accept Recommendation, Award Cultural Arts Council Grants for FY 2004/05.                                       |
| R7H  | Adopt FY 2004/05 Budget for the Visitor & Convention Authority (VCA).   |
| R7I  | Appropriate Additional County Surtax Funds for FY 2003/04 Electrowave Shuttle.                                  |
| R7J  | Transfer FY 2004/05 Parking Fund Budget to FY 2004/05 Local Shuttle.  |
| R7K  | Adopt FY 2004/05 Operating Budget for Local Shuttle Service.  |
| R7L  | Execute Management Agmt w/ MBTMA, Management Services for Local Shuttle Projects.                               |
| R7M  | Execute Agreement w/ MBTMA, Transportation Demand Management Services.  |

- R9A **4:00 p.m.** Committee of the Whole Meeting re: City Commission's Deliberations. (Smith)

## REDEVELOPMENT AGENCY ITEMS

- 3A Adopt Operating Budgets for South Pointe & City Center Redevelopment Areas for FY 2004/05.  
3B Establish a South Pointe Capital Renewal & Replacement Fund.  
3C Establish a City Center Capital Renewal & Replacement Fund.  
3D Appropriate Funds, City Center & South Pointe Redevelopment Areas Improvements.  
3E **Joint**, Adopt RDA Capital Budget FY 2004/05 & Capital Improvement Plan for FY 2005-09.

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

Meeting called to order at 5:07:28 p.m.

Supplemental Materials:

C7E (Resolution), R7D (Follow-up Information), R7L (Resolution and Agreement), R7M (Agreement).

### **Times based on the digital recording in the City Clerk's Office**

Mayor Dermer commended Jorge Gonzalez, City Manager, and staff for the excellent job done during hurricane preparations. He also commended Miami-Dade County, on behalf of the City of Miami Beach, especially Mayor Alex Penelas, George Burgess, County Manager, and the Fire Department for their professionalism and excellent work at the Emergency Operation Center.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith. Voice vote; 6-0; Absent: Commissioner Garcia.

### **C7 – Resolutions**

- C7A A Resolution Adopting And Appropriating Funds For The Police Special Revenue Account Budget For Fiscal Year 2004/05, In The Amount Of \$29,200, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account.  
(Police Department)

**ACTION: Resolution No. 2004-25692 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For The Fiscal Year 2004/05 In The Amount Of \$489,396 To Be Funded From The Proceeds Of State (\$162,843) And Federal-Justice (\$326,553) Confiscated Funds.  
(Police Department)

**ACTION: Resolution No. 2004-25693 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7C A Resolution Adopting And Appropriating Funds For The Police Training Trust Fund Budget For Fiscal Year 2004/05 In The Amount Of \$31,000.  
(Police Department)

**ACTION: Resolution No. 2004-25694 adopted.** Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7D A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Administration To Issue A Purchase Order To Advanced Public Safety, As The Provider Of Electronic Ticketing Systems For The Police Department's Mobile And Handheld Devices, In The Amount Of \$59,302.80.  
(Police Department)

**ACTION: Resolution No. 2004-25695 adopted.** Gus Lopez to issue Purchase Order. Chief De Lucca to handle.

#### **Supplemental Material - Resolution**

- C7E A Resolution Of Appropriating Funds From The Master Equipment Lease/Purchase Agreement With Banc Of America Leasing & Capital, Llc, For The Purchase Of A Fire Alert System In The Amount Of \$213,524; Further Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Administration To Purchase A Fire Alert System From Motorola In The Amount Of \$213,524.  
(Fire Department/Information Technology)

**ACTION: Resolution No. 2004-25696 adopted.** Patricia Walker to appropriate funds. Gus Lopez to issue Purchase Order. Chief Jordan and Gladys Acosta to handle.

End of Consent Agenda

#### **REGULAR AGENDA**

#### **R7 - Resolutions**

**5:08:04 p.m.**

- R7A1 A Resolution Adopting: 1) The Final Ad Valorem Millage Of 7.425 Mills For General Operating Purposes, Which Is Seventeen And Six Tenths Percent (17.6%) Greater Than The "Rolled-Back" Rate Of 6.314 Mills; And 2) The Debt Service Millage Rate Of 0.748 Mills. **5:01 P.M. Second Reading, Public Hearing.**

(Budget & Performance Improvement)  
(First Reading on September 9, 2004)

**ACTION:** Title of the resolution read into the record. Public hearing held. **Resolution No. 2004-25688 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Jorge Gonzalez, City Manager, made an opening statement.

Kathie Brooks, Budget and Performance Improvement Director, gave a PowerPoint presentation.

Commissioner Smith explained that his understanding of the Capital Renewal and Replacement Fund is that it is to be used for major capital projects such as roofs, structural components, A.C. units, etc; and Attachment A, Item R7C includes several items that he considers to be routine maintenance.

Jorge Gonzalez, City Manager, stated that the Capital Renewal and Replacement Fund is established to basically extend the useful life of City facilities.

Commissioner Smith stated that painting and pressure cleaning are not major capital improvements and it was his understanding that items such as the storm shutters for the 777 building were going to be funded from operating revenues.

Jorge Gonzalez, City Manager, requested that the budget be approved for the amount of \$1.347 million and that the Capital Renewal and Replacement Fund list, see Agenda Item R7C, be referred to the Finance and Citywide Projects Committee for discussion.

Commissioner Gross stated that he agrees that the Capital Renewal and Replacement Fund should not be used for maintenance. He added that the fund should be used for those items that need to be capitalized. Items that can be expensed in the current year are not proper uses of this fund.

Jorge Gonzalez, City Manager, stated that the Administration will develop criteria for placing items on the list and bring to the Finance and Citywide Projects Committee meeting for discussion. **Kathie Brooks to handle.**

Commissioner Gross stated that Miami-Dade County has General Obligation Bond questions on the November 2 ballot which may affect some of the major projects on the list. He suggested having the meeting at the Finance and Citywide Projects Committee after the November 2<sup>nd</sup> election.

Jorge Gonzalez, City Manager, announced that Commissioner Garcia is attending a GMCVB Board of Directors meeting in Miami and is running late.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**5:08:33 p.m.**

R7A2 A Resolution Adopting Final Operating Budgets For The General Fund, G.O. Debt Service, RDA Funds - Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2004/05.

**5:01 P.M. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 9, 2004)

**ACTION:** Title of the resolution read into the record. Public hearing held. **Resolution No. 2004-25689 adopted and the Capital Renewal and Replacement Fund list of projects referred to the Finance and Citywide Projects Committee after the November 2 Election.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower, Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle. Patricia Walker to place on the committee agenda.

Jorge Gonzalez, City Manager, requested authorization to do the replacement of floors for Fire Station 1 and 3, which are on the Capital Renewal and Replacement fund list.

Motion made by Commissioner Bower to approve the replacement of the floors on Fire Stations No. 1 and No. 3 from the Capital Renewal and Replacement Fund list; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Memorandum from Commissioner Jose Smith, Chairman of the Commission Committee for Oversight of the City Attorney's Office, dated September 28, 2004, RE: Report of the Committee for Oversight of the City Attorney's Office as to Proposed Salaries 2004/2005
3. Copy of the PowerPoint presentation

**5:32:05 p.m.**

R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Rate Of 1.123 Mills For Fiscal Year 2004/05 For The Normandy Shores Local Government Neighborhood Improvement District, Which Is Thirteen And Five Tenths Percent (13.5%) Greater Than The "Rolled-Back" Rate Of 0.989 Mills.

**5:02 P.M. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 9, 2004)

**ACTION:** Title of the resolution read into the record. Public hearing held. **Resolution No. 2004-25690 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year 2004/05.

**5:02 P.M. Second Reading, Public Hearing.**

(Budget & Performance Improvement)

(First Reading on September 9, 2004)

**ACTION:** Title of the resolution read into the record. Public hearing held. **Resolution No. 2004-25691 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**5:33:34 p.m.**

R7C A Resolution Establishing A Capital Renewal And Replacement Fund To Provide A Dedicated Source Of Funding For City Capital Renewal And Replacement Projects That Extend The Useful Life Of General Fund Assets; Establishing A Procedure For Annual Appropriation Of Funds; Establishing A Procedure For Their Use; And Adopting The Fiscal Year (FY) 2004/05 Budget For The Fund, In The Amount Of \$1,347,070.

(Budget & Performance Improvement)

**ACTION:** Heard in conjunction with Items RDA 3B and 3C. **Resolution No. 2004-25697 adopted and the Capital Renewal and Replacement Fund list of projects referred to the Finance and Citywide Projects Committee after the November 2 Election.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle. Patricia Walker to place on the committee agenda.

**Motion made by Commissioner Bower to approve the replacement of the floors on Fire Stations No. 1 and No. 3 of the Capital Renewal and Replacement Fund list; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia.**

Handout or Reference Materials:

1. Revised Attachment "A" listing the floor replacement for Fire Stations 1 and 3.

**5:34:04 p.m.**

**Supplemental Material: Follow up information**

R7D A Resolution Adopting The City Of Miami Beach And Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2004-2005 And The Capital Improvement Plan For Fiscal Years 2005-2009.  
**Joint City Commission and Redevelopment Agency.**  
(Finance Department)

**ACTION:** Heard in conjunction with Item 3E. **Resolution No. 2004-25698 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo and Kathie Brooks to handle.

**5:36:09 p.m.**

R7E A Resolution Adopting Fiscal Year 2004/05 Budgets For Special Revenue Funds For Resort Tax; Recreation Programs; 7th Street Garage Operations; Log Cabin Training Center Operations; And The State Major Cultural Institution Grant For The Bass Museum.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2004-25699 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Kathie Brooks to handle.

Commissioner Gross requested a presentation.

Kathie Brooks, Budget and Performance Improvement Director, gave a PowerPoint presentation.

Commissioner Gross stated that about \$2.5 million more of the Resort Tax money is going into the General Fund this year to support cleaning the street, policing, life guard activities, etc. He requested clarification on the funding for the Log Cabin.

Jorge Gonzalez, City Manager, reviewed the Log Cabin funding.

Commissioner Gross asked if the City is entering into a contract with the Bureau for a \$5 million potential contribution.

Jorge Gonzalez, City Manager, clarified that the Log Cabin is not included in the Resort Tax Fund. Included in the Resort Tax Fund, there is a \$5 million allocation, and the portion that was calculated under the former formula for the Miami Visitors and Convention Bureau's incentive bonus was not allocated within the Greater Miami Visitors and Convention Bureau's line item; this is separate and it is included in the \$1.6 million contingency line item in the budget; the intent is for the money to remain in the City's fund to be appropriated when the City Commission deems appropriate.

**5:44:14 p.m.**

R7F A Resolution Approving The Miami Beach Cultural Arts Council's Fiscal Year 2004/2005 Budget, In The Amount Of \$1,406,294.

(Tourism & Cultural Development)

**ACTION:** Heard in conjunction with item R7G. **Resolution No. 2004-25700 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo and Max Sklar to handle.

Ada Llerandi, Chair, Miami Beach Cultural Arts Council, spoke.

Mayor Dermer thanked Ms. Llerandi and members of the Council.

Commissioner Smith agreed with the Mayor's comment and added that he was glad to see an item for contingency in the amount of \$291,000, and he asked the City Manager what the vision is for that money.

Jorge Gonzalez, City Manager, stated that this amount represents the Quality of Life 25% that was projected as part of the new funding formula that came in greater than was originally anticipated this year. This money came in after the Cultural Arts Council had begun its grant process. The CAC decided to hold the funds, and advise the Administration and Commission as to how best to appropriate the money. He added that some on the money will go to grants and marketing, or some other initiative.

Vice-Mayor Steinberg also thanked the members of the Cultural Arts Council and emphasized the fact that this is almost a 60% increase over last year's budget which shows this Commission's commitment and support to the arts.

Commissioner Gross stated that the City is actually putting \$500,000 more into this year's arts budget (\$1.4 versus \$900,000). He requested a report on the status of the Cultural Arts Council private fund raising efforts.

Jorge Gonzalez, City Manager, stated that the report will be distributed via an L.T.C. He also emphasized that the Commission's commitment to the arts goes beyond the CAC. Included in the General Fund budget are the expenses associated with operating the Byron Carlyle and the Colony Theatres for a combined total of about \$400,000. He explained that the City Commission has really made an effort to make sure that the arts become an integral part of the quality of life in Miami Beach and should be commended for it. **Max Sklar to handle.**

Commissioner Bower stated that the contribution to the CAC could go down once the \$10 million begins to be used. She stated that we need to be realistic and know that it will not be this high every year. She also thanked the CAC for their hard work and the great job they do.

Commissioner Cruz stated that the funding level and the quality of the arts have to do with the group of volunteers that get involved; they keep the City Commission informed of their needs. He stated that the credit goes to the Cultural Arts Council members and to the arts community. He emphasized that a recurring source of funding has been identified but there will be a problem when that source of funding start to be depleted.

**5:54:56 p.m.**

R7G A Resolution Approving And Accepting The City Manager's Recommendations, And Awarding \$599,015 In Cultural Arts Council (CAC) Grants For Fiscal Year 2004/2005, As Identified In The Attached Exhibit "A"; Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements; And Making The Award Of Said Grants Subject To And Contingent Upon The Approval Of The CAC's Budget For Fiscal Year 2004/2005.

(Tourism & Cultural Development)

**ACTION:** Heard in conjunction with R7F. **Resolution No. 2004-25701 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo and Max Sklar to handle.

**5:55:21 p.m.**

R7H A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) Fiscal Year 2004/2005 Budget In The Amount Of \$1,355,092.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2004-25702 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Grisette Marcos to handle.

Grisette Marcos, Executive Director Miami Beach VCA, spoke.

**5:56:38 p.m.**

R7I A Resolution Appropriating An Additional \$100,000 In Miami-Dade County Transit Surtax Funds For The Fiscal Year (FY) 2003-04 Electrowave Shuttle (Currently Referred To As "The Local Shuttle") Operating Budget; Such Additional Funds Coming From The Estimated \$2.5 Million Miami Beach Share Of Miami-Dade Transit Surtax Funds Collections During FY 2003-04, Twenty Percent Of Which Is Required To Be Utilized For Local Transit Projects, Each And Every Year; And Further Reimbursing The Parking Fund \$100,000 Of The \$1.1 Million Appropriated For FY 2003-04 Shuttle Operating Purposes, By Resolution No. 2003-25354, Dated September 18, 2003.

(Public Works)

**ACTION: Resolution No. 2004-25703 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, gave an overview of the item.



**5:59:36 p.m.**

R7J A Resolution Authorizing The Transfer Of \$1 Million From The Fiscal Year (FY) 2004-05 Parking Fund Budget To The Fiscal Year 2004-05 Local Shuttle (Previously Known As The Electrowave Shuttle) Operating Budget; Subject To The Determination By The City Administration That The Parking Fund Has Met All Debt Covenants For Fiscal Year 2003-04.  
(Public Works)

**ACTION:** Items R7J, R7K, R7L, and R7M discussed together.

**Resolution No. 2004-25704 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to handle.

Commissioner Gross requested a presentation and update on the negotiations with Miami-Dade County to take over the Electrowave and merge with the "W" bus route.

Robert Middaugh, Assistant City Manager, stated that Miami-Dade County Transit agrees that it makes good transit sense to combine the resources so there is a bidirectional route that goes down West Avenue to South Pointe, back up Washington Avenue, loops around until ultimately it gets to the Publix which is essentially the "W" route. The question is, how does the City pay for it? The Administration is working on a variety of scenarios; however, ultimately, the City Commission will have to make a policy decision. Addressing Commissioner Gross' question on how this will impact the TMA, it was stated that it is unknown at this time.

Jorge Gonzalez, City Manager, stated that Miami-Dade County is obtaining a report to determine feasibility and the costs associated with this project. Joe Fontana, who is on the CTAC board, indicated that the preliminary report has been given. The County understands that it makes good sense to merge the routes. The Administration has been arguing that when the ½ cent sales tax was passed it mandated service enhancements on all County routes. The City of Miami Beach is giving the County an opportunity to enhance their route. He stated that the City's first effort is to make sure the service is the right level of service. Mr. Fontana has indicated that the final report is due in thirty days. By then, the City should know if there is a deal or not.

Commissioner Bower asked to be kept informed on the negotiations with the County. She also requested to see the "W" route and how it compares to the new route. **Robert Middaugh to handle.**

Commissioner Smith asked on the status of the RFP for the six buses.

Jorge Gonzalez, City Manager, stated that this is on hold pending the decision of the County. The recommended bidder has agreed in writing to hold the price guarantee until the end of October. This is why the Administration is pushing the County to make a decision.

Commissioner Smith asked if there was a bid protest regarding the purchasing of the buses.

Gus Lopez, Procurement Director, stated that there is a lawsuit in the courts.

Commissioner Smith stated that he wants to make sure that the federal funding is not in jeopardy.

Jorge Gonzalez, City Manager, stated that the City's federal lobbyists have indicated that the funds are secured. He stated that part of the agreement with Miami-Dade County might include the disposition of those dollars and maybe an incentive could be forwarding those dollars to them so that they can purchase buses.

Gus Lopez, Procurement Director, stated that he has been in constant contact with the F.T.A. and the Grant Administrator has assured him that the grant funds are not at risk but at some point the decision

needs to be made whether the City or the County is buying the buses. Commissioner Smith requested that the City Commission receive plenty of warning on this issue. **Robert Middaugh to handle.**

Commissioner Bower asked what the buses will look like. Tourist towns have their own unique buses; will Miami Beach?

Robert Middaugh, Assistant City Manager, stated that the look of the buses will be part of the discussions and will be worked out in the interlocal.

**6:19:12 p.m.**

R7K A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Adopting The Fiscal Year (FY) 2004-05 Operating Budget For The Local Shuttle Service, Previously Known As Electrowave, In The Amount Of \$2,058,935; And Appropriating A Funding Packet Which Includes \$500,000 In People's Transportation Plan Funds; \$40,000 In Joint Participation Agreement Funds From The Florida Department Of Transportation; \$438,935 In Concurrency Mitigation/South Beach Funds; \$80,000 In Projected Fare Collection Revenues; And \$1,000,000 In FY 2004-05 Parking Fund Budget, Which Is Being Appropriated By A Separate Resolution.  
(Public Works)

**ACTION: Resolution No. 2004-25705 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

**6:20:05 p.m.**

**Supplemental Material - Resolution & Agreement**

R7L A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute A General Management Agreement Between The City And The Miami Beach Transportation Management Association (MBTMA), In The Amount Of \$2,058,935 For The Performance Of General Management Services For Operations And Administration Of The Shuttle Project; Authorizing The Advancement Of One Fourth Of The Fiscal Year 2004-05 Operating Budget Funds To MBTMA, On A Quarterly Basis; Providing For The Filing Of Quarterly Financial And Administrative Reports, As Well As Annual Audits; And Further Providing For The Return Of All Unused Funds To The City, By Closing Of The Contract Year.

(Public Works)

**ACTION: Resolution No. 2004-25706 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Fred Beckmann to handle.

6:20:22 p.m.

**Supplemental Material - Agreement**

R7M A Resolution Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Miami Beach Transportation Management Association (MBTMA), In The Amount Of \$50,000, To Provide Transportation Demand Management (TDM) Services To Miami Beach; And Authorizing A Lump-Sum Payment, As Seed Funding, Utilizing Funds Available In The Fiscal Year (FY) 2004-05 Parking Fund Budget.

(Public Works)

**ACTION: Resolution No. 2004-25707 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Fred Beckmann to handle.

**R9 - New Business and Commission Requests**

R9A The Committee Of The Whole Will Meet At 4:00 p.m. In The Mayors Conference Room For The Purpose Of Considering Measures To Help Improve The City Commission's Deliberations.  
(Requested by Commissioner Jose Smith)

**ACTION:** The meeting was called to order at 4:00 p.m. Members of the City Commission present: Mayor Dermer, Vice-Mayor Steinberg and Commissioners Bower, Gross and Smith.

Commissioner Smith explained the purpose for the meeting was to resolve the instability noted during Commission deliberations in the past, by implementing stricter procedures in an attempt to avoid personal attacks, avoid inappropriate interruptions when speaking at the dais by having requests to speak recognized by the Chair, and to establish procedures to improve order during meetings.

Jean Olin, Deputy City Attorney, explained the differences between Point-of-Order and Point-of-Information: **Point-of-Order** is not debatable, but with the Chair's consent a member may be permitted to explain his Point-of-Order. The definition is "when a member thinks that the rules of the assembly are being violated, he/she can make a Point-of-Order or raise some question of order, thereby calling the Chair for a ruling." **Point-of-Information** is a request directed to the Chair or through the Chair to another officer or member for information relevant to the business at hand, but not related to parliamentary procedure.

There was consensus among members of the Committee to implement a "Point-of-Order" procedure during Commission meetings and to have all requests to speak be recognized through the Chair. This Point-of-Order once called by the Chair shall be supported by the rest of the Commission.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**End of Regular Agenda**

**Miami Beach Redevelopment Agency - Special Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
September 28, 2004**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr. Absent  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL
2. OLD BUSINESS
3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Operating Budgets For The South Pointe And City Center Redevelopment Areas For Fiscal Years 2004/05.

**ACTION: Resolution No. 484-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0: Absent: Commissioner Garcia. Christina Cuervo to handle.

Handout or Reference Materials

1. TIF Payment Calculator spreadsheet

**5:33:36 p.m.**

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Establishing A South Pointe Capital Renewal And Replacement Fund To Provide A Dedicated Source Of Funding For City Capital Renewal And Replacement Projects That Extend The Useful Life Of The Assets Within The South Pointe District; Establishing A Procedure For Annual Appropriation Of Funds; Establishing A Procedure For Their Use; And Adopting The Fiscal Year (FY) 2004/05 Budget For The Fund, In The Amount Of \$199,679.

**ACTION: Resolution No. 485-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0: Absent: Commissioner Garcia. Christina Cuervo to handle.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Establishing A City Center Capital Renewal And Replacement Fund To Provide A Dedicated Source Of Funding For City Capital Renewal And Replacement Projects That Extend The Useful Life Of The Assets Within The City Center District; Establishing A Procedure For Annual Appropriation Of Funds; Establishing A Procedure For Their Use; And Adopting The Fiscal Year (FY) 2004/05 Budget For The Fund, In The Amount Of \$160,473.

**ACTION: Resolution No. 486-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo and Kathie Brooks to handle.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating \$6,367,952 In City Center/Historic Convention Village Redevelopment And Revitalization Area Trust Fund Revenues And \$2,089,975 In South Pointe Redevelopment Area Trust Fund Revenues Towards Water, Sewer, Storm Water, Streetscape And Related Infrastructure Improvements In The City Center And South Pointe Redevelopment Areas, As Well As To Fund Program Management Fees And Construction Management Fees Associated With Said Improvements, All In Accordance With Chapter 163.387(7)(a), Florida Statutes.

**ACTION: Resolution No. 487-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent Commissioner Garcia. Christina Cuervo to handle.

- E A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year 2004-2005 And The Capital Improvement Plan For Fiscal Years 2005-2009. Joint City Commission and Redevelopment Agency.

**ACTION: Heard in conjunction with R7D. Resolution No. 488-2004 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Smith. Christina Cuervo to handle.

#### End of RDA Agenda

Vice-Mayor Steinberg reminded the public that October 4 is the deadline to register to vote. Individuals who want to register can go to [votemiamibeach.com](http://votemiamibeach.com) or the Miami-Dade County Elections department website.

Mayor Dermer thanked Vice-Mayor Steinberg for his efforts in vote Miami Beach campaign. He has worked very hard in getting businesses involved and getting the businesses to give discounts to registered voters. He has spent a lot of time and deserves a lot of credit.

Jorge Gonzalez, City Manager, thanked everyone involved with the budget process. He especially thanked Kathie Brooks, Patricia Walker, Jose Cruz, Carmen Carlson, William Gonzalez, Joe Reilly, Sailyn Arce, Central Services, and the Mayor and City Commission.

Mayor Dermer thanked Jorge Gonzalez and the staff for such a streamline process and doing an excellent job.

Meeting adjourned at 6:22:35 p.m.